

IN RE: PETITION FOR ZONING VARIANCE  
E/S Butler Road, 3225' SW of  
the c/l of Belmont Road  
4th Election District  
3rd Councilmanic District  
Donald H. Wilson, III, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-481-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Donald H. Wilson, III, appeared, testified and were represented by Robert A. Hoffman, Esquire. There were no Protestants.

Testimony indicated that the subject property is a 30-acre parcel split zoned R.C. 2 and R.C. 4 and is currently being developed with a single family dwelling. Said property was created as a developable lot as a result of a non-density transfer granted in prior Case No. 89-352-SPH. Petitioners are desirous of constructing a swimming pool on the subject property; however, as the rear portion of the site is zoned R.C. 2 and must be left for pasture land and agricultural uses in accordance with the restrictions set forth in Case No. 89-352-SPH, the swimming pool cannot be placed in the rear yard as required. Mr. Wilson testified the side yard is the most practical and aesthetically pleasing location for the proposed swimming pool due to the topography of the land. Further testimony indicated the proposed pool will not be visible to any adjoining property owners due to the size of the parcel and its topography. In conclusion, Mr. Wilson argued that denial of the variance would result in practical difficulty for Petitioners and that the granting of the variance will not

result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solov, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of June, 1990 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the

following restrictions which are conditions precedent to the relief granted:

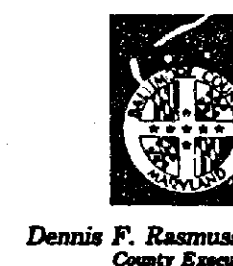
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall continue to comply with the restrictions set forth in Case No. 89-352-SPH except as herein modified.

ANN M. NASTAROWICZ  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

June 20, 1990



Robert A. Hoffman, Esquire  
210 Allegheny Avenue, Suite 700  
Townson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
E/S of Butler Road, 3225' SW of the r/l of Belmont Road  
4th Election District - 3rd Councilmanic District  
Donald H. Wilson, III, et ux - Petitioners  
Case No. 90-481-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date 6/20/90  
By [Signature]

ORDER RECEIVED FOR FILING

Date 6/20/90  
By [Signature]

ORDER RECEIVED FOR FILING

Date 6/20/90  
By [Signature]

- 2 -

- 3 -

323  
PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-481-A**  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1.10. to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.  
of the Zoning Regulations of Baltimore County in the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:  
\_\_\_\_\_  
(Type or Print Name)  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
City and State  
\_\_\_\_\_  
Attorney for Petitioner:  
Robert A. Hoffman  
(Type or Print Name)  
\_\_\_\_\_  
Signature  
210 Allegheny Avenue  
\_\_\_\_\_  
Address  
Townson, Maryland 21204  
\_\_\_\_\_  
City and State  
Attorney's Telephone No.: 301-494-9162  
\_\_\_\_\_  
Address

Legal Owner(s):  
Donald H. Wilson, III  
(Type or Print Name)  
\_\_\_\_\_  
Signature  
Beverly L. Wright  
(Type or Print Name)  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Address  
Hunt Valley, Maryland 21030  
\_\_\_\_\_  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Robert A. Hoffman  
\_\_\_\_\_  
Name  
210 Allegheny Avenue, Townson, Maryland  
\_\_\_\_\_  
Address  
Phone No. 301-494-9162  
\_\_\_\_\_  
Address

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day

of \_\_\_\_\_ 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1990, at \_\_\_\_\_ o'clock

J. Robert Haines  
J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

mk- 3/20/90  
avail anytime  
est. time of hearing - 1/2 hr

323  
GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470  
**90-481-A**  
March 15, 1990  
ZONING DESCRIPTION  
All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:  
Beginning this zoning description at a point in Butler Road, 3225' measured Southwesterly from the intersection of Butler and Belmont Road and thence leaving Butler Road and binding on the property lines of the petitioners herein the twenty-two following courses and distances viz: South 61 degrees 26 minutes 43 seconds East 267.40 feet, South 59 degrees 48 minutes 46 seconds East 160.36 feet, South 62 degrees 02 minutes 23 seconds East 204.76 feet, South 61 degrees 49 minutes 48 seconds East 335.54 feet, North 31 degrees 05 minutes 02 seconds East 199.90 feet, South 59 degrees 59 minutes 16 seconds East 215.06 feet, South 19 degrees 31 minutes 53 seconds East 37.71 feet, South 27 degrees 09 minutes 37 seconds West 76.54 feet, North 79 degrees 57 minutes 03 seconds East, crossing Belmont Road 1370.61 feet South 26 degrees 23 minutes 40 seconds West, recrossing Belmont Road 206.17 feet, South 15 degrees 06 minutes 20 seconds East, binding along said road, 178.14 feet South 52 degrees 23 minutes 26 seconds West, 628.85 feet, South 57 degrees 45 minutes 26 seconds West 237.27 feet, South 4 degrees 11 minutes 26 seconds West 99.26 feet, North 84 degrees 43 minutes 44 seconds West 954.78 feet, North 39 degrees 46 minutes 07 seconds West 345.15 feet North 9 degrees 11 minutes 20 seconds East 344.42 feet, North 26 degrees 33 minutes 54 seconds West 156.52 feet, North 48 degrees 06 minutes 40 seconds West 233.38 feet, North 45 degrees 07 minutes 46 seconds West 78.76 feet, North 59 degrees 48 minutes 46 seconds West 75.00 feet and North 61 degrees 26 minutes 43 seconds West 265 feet to a point in Butler Road and North 25 degrees 33 minutes 00 seconds East, binding in Butler Road, 35.05 feet to the place of beginning.  
Containing 30 acres of land more or less.



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Townson, Maryland 21204  
Account: R-001-6150  
Number  
Receipt  
No 1814  
Date  
3/20/90  
H9000323  
PUBLIC HEARING FEES QTY PRICE  
010 - ZONING VARIANCE (IRL) 1 X \$35.00  
TOTAL: \$35.00  
LAST NAME OF OWNER: WILSON  
B 8130\*\*\*\*\*3500:a 3214F  
Please make checks payable to: Baltimore County  
Cashier Validation:

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Townson, Maryland  
70-481-A  
District: 4th  
Date of Posting: May 22, 90  
Posted for: Variance  
Petitioner: Donald H. Wilson, III, et al  
Location of property: Subdiv. of Butler Road, 3225' SW of  
the c/l of Belmont Road  
Location of Sign: East side of Butler Road at entrance  
to subject property  
Remarks: \_\_\_\_\_  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: May 25, 90

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Townson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 17, 1990

THE JEFFERSONIAN,

S. Zake Orlean

Publisher

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Townson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 17, 1990

OWINGS MILLS TIMES,

S. Zake Orlean

Publisher

P0104581

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland 21204 as follows:  
Petition for Zoning Variance Case number: 90-481-A E/S Butler Road, 3225' SW of c/l of Belmont Road 4th Election District 3rd Councilmanic District  
Petitioner: Donald H. Wilson, III, et ux  
Hearing Date: Wednesday June 13, 1990 at 10:30 p.m.  
Variance: To permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission reserves the right to deny any request for a stay of this appeal and will proceed during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
May 17, 1990  
CMT/JS/252

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland 21204 as follows:  
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J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
May 17, 1990  
CMT/JS/252



**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**  
Account: R-001-6150  
Number: 2720  
Date: 5-30-90  
90-481-A

6/12/90  
PUBLIC HEARING FEES QTY PRICE  
080 -POSTING SIGN / ADVERTISING 1 X \$101.45  
TOTAL: \$101.45  
LAST NAME OF OWNER: WILSON  
B 8128\*\*\*\*\*101451a 8138F  
Please make checks payable to: Baltimore County

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE: 5-30-90

Donald H. Wilson, III  
Beverly L. Wright  
140 Lakefront Drive  
Hunt Valley, Maryland 21030

Res: Petition for Zoning Variance  
CASE NUMBER: 90-481-A  
E/S Butler Road, 3225' SW of c/l of Belmont Road  
4th Election District - 3rd Councilmanic  
Petitioner(s): Donald H. Wilson, III, et al  
HEARING: WEDNESDAY, JUNE 13, 1990 at 10:30 a.m.

Dear Petitioners:

Please be advised that \$101.45 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs  
cc: Robert A. Hoffman, Esq.

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

May 2, 1990

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-481-A  
E/S Butler Road, 3225' SW of c/l of Belmont Road  
4th Election District - 3rd Councilmanic  
Petitioner(s): Donald H. Wilson, III, et al  
HEARING: WEDNESDAY, JUNE 13, 1990 at 10:30 a.m.

Variance: To permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Donald H. Wilson, III, et al  
Robert A. Hoffman, Esq.

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

June 1, 1990

Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No. 323, Case No. 90-481-A  
Petitioner: Donald H. Wilson, et al  
Petition for Zoning Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures  
cc: Mr. Donald H. Wilson  
140 Lakefront Drive  
Hunt Valley, MD 21030

**Baltimore County**  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE: April 6, 1990

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Henry F. Renard, Item No. 326  
Theresa Marie Durbon, Item No. 328  
Diana Ely Epstein, Item No. 325  
Donald H. Wilson, III, Item No. 323  
Richard H. Kress, Item No. 320  
Michael R. Spodak, Item No. 318  
Richard C. Tilghman, Item No. 319  
Durban Road Ltd. Part., Item No. 315  
Pitch Avenue Ltd. Part., Item No. 314  
Douglas E. Abrams, Item No. 308  
Chestnut Ridge Country Club, Item No. 300

In reference to the Petitioners' requests, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

DATE: April 6, 1990

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Henry F. Renard, Item No. 326  
Theresa Marie Durbon, Item No. 328  
Diana Ely Epstein, Item No. 325  
Donald H. Wilson, III, Item No. 323  
Richard H. Kress, Item No. 320  
Michael R. Spodak, Item No. 318  
Richard C. Tilghman, Item No. 319  
Durban Road Ltd. Part., Item No. 315  
Pitch Avenue Ltd. Part., Item No. 314  
Douglas E. Abrams, Item No. 308  
Chestnut Ridge Country Club, Item No. 300

In reference to the Petitioners' requests, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

**Baltimore County**  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

April 6, 1990

J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 322, 323, 325, 326, 327, and 328.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lwv

RECEIVED  
APR 16 1990  
ZONING OFFICE

**Baltimore County**  
Fire Department  
Towson, Maryland 21204-2586  
484-4500  
Paul H. Reincke  
Chief

APRIL 6, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: DONALD H. WILSON, III AND  
BEVERLY L. WRIGHT

Location: E/S BUTLER ROAD

Item No.: 323 Zoning Agenda: APRIL 10, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Captain W. F. Brady, Jr.  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JK/KEK



PLEASE PRINT CLEARLY

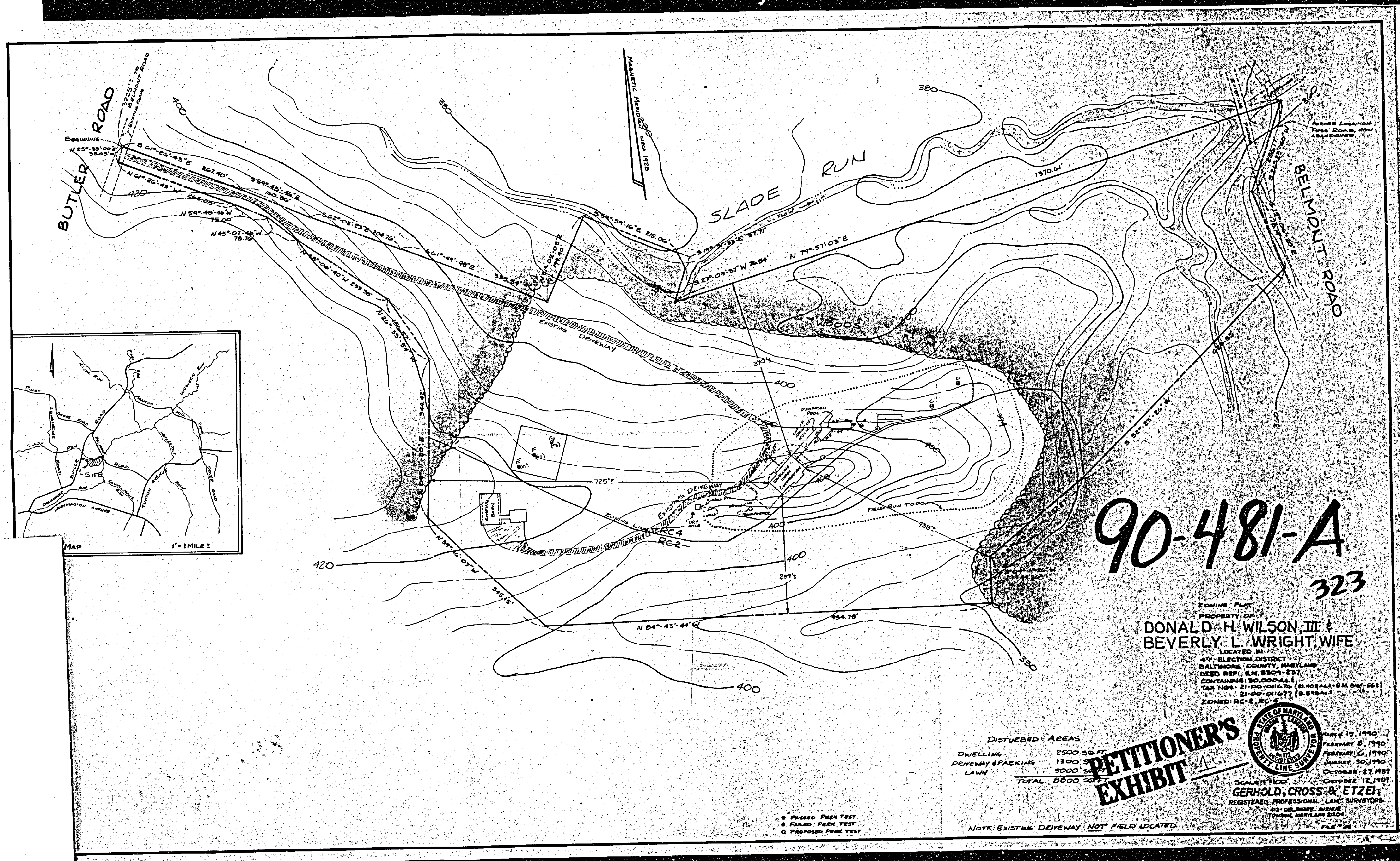
PETITIONER(S) SIGN-IN SHEET

NAME

Don Wilson  
Rob Hoffman

ADDRESS

3919 Butler Rd  
210 Allegany Ave



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for April 10, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 323, 325, 326, 327 and 328.

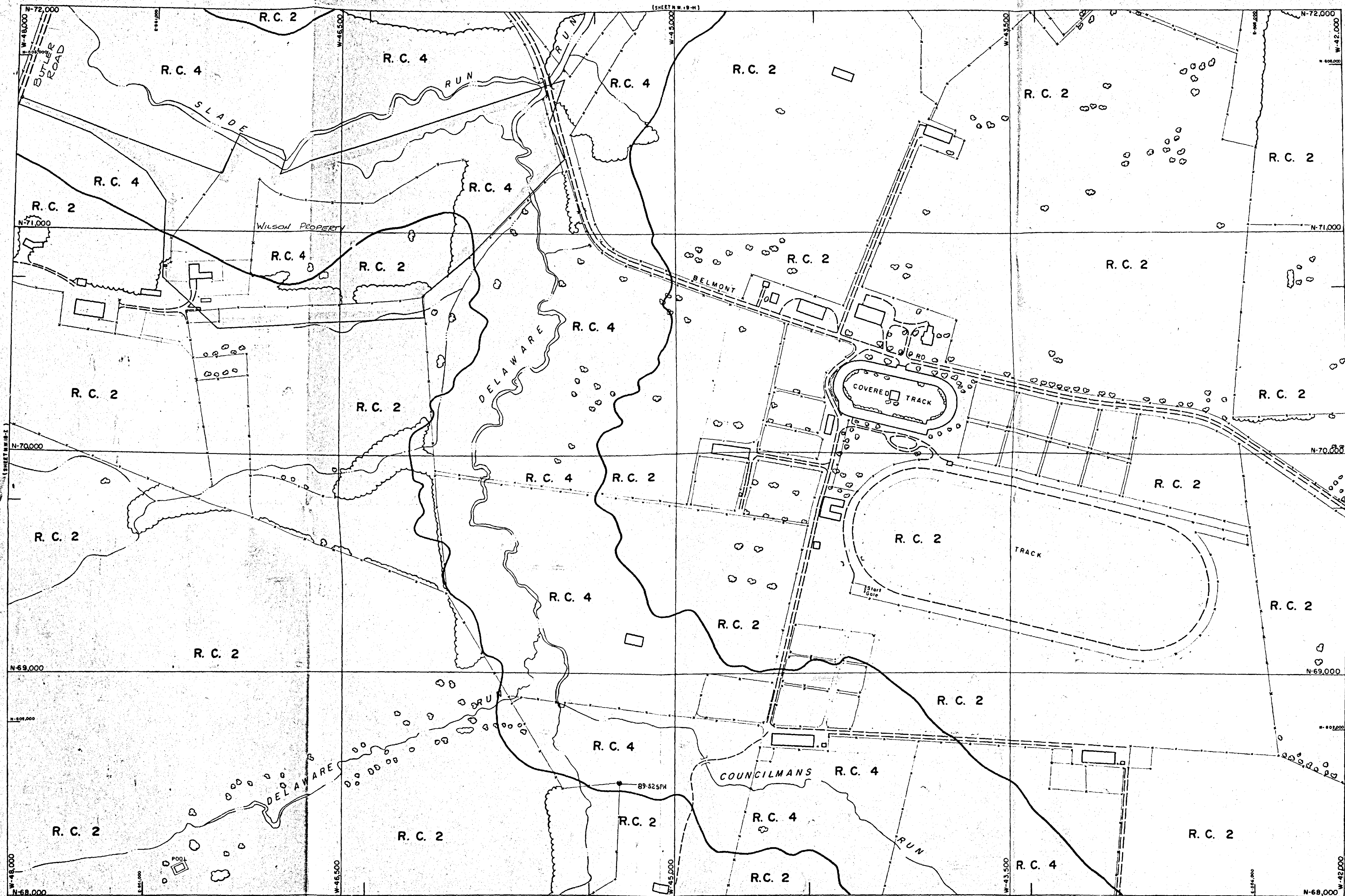
For Item 322, the previous County Review Group comments apply.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



323 90-481-A



W - SW W - SE  
W - NW W - NE

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
July 13, 1988

Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

BELMONT TRACK

SHEET

N.W.

18-H

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210